

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall  
January 10, 2001  
7:00 PM

**MEMBERS**

Spencer W. Semmes, Chair  
Andrew A. Simasek, Vice Chair  
Robert E. Beil, Jr.  
Robert D. Heavner  
Michael H. Hendricks  
Thomas G. Shepperd  
Ann F. White

**CALL TO ORDER**

Chair Spencer Semmes called the meeting to order at 7:00 p.m. All of the members were present except Mr. Simasek. Staff members present were James E. Barnett, Jr., Timothy C. Cross, Michael S. King, and Olivia D. Wilkinson.

**APPROVAL OF MINUTES**

Mr. Beil moved approval of the minutes for the December 13, 2000 regular meeting and they were approved unanimously.

**REMARKS BY THE CHAIR**

The Chair welcomed visitors and explained the legal mandate of the Planning Commission, its composition of citizen volunteers, and its mission as an advisory body to the Board of Supervisors for all land use issues.

**CITIZEN COMMENTS**

There were no citizen comments.

**ZONING ORDINANCE REVISION PROJECT COMMENTS**

There were no comments on the Zoning Ordinance Revision project.

**PUBLIC HEARINGS**

**Application No. UP-565-01, Miles C. and Mae H. Burcher:** Request for a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an approximately 760-square-foot accessory apartment in

conjunction with a single-family detached dwelling located at 600 Patricks Creek Road and further identified as Assessor's Parcel No. 30-(9)-5.

Ms. Olivia Wilkinson, assisted by a brief video, presented a summary of the staff report contained in her memorandum to the Commission dated December 27, 2000, in which the staff recommended approval.

Ms. White inquired how the County could ensure habitation only by family members or guests of the occupants. Ms. Wilkinson said the proposed approving resolution contains a condition to prevent its rental and the County is somewhat reliant upon citizens to report noncompliance of that condition.

The Chair opened the public hearing.

**Mr. Miles Burcher**, 705 Patricks Creek, offered to answer questions about his application. The members had no questions at this time.

Hearing no others, the Chair closed the public hearing.

Mr. Shepperd questioned why later rental of the accessory apartment would be an issue of concern for the Planning Commission or the County. Mr. Heavner stated that if the accessory apartment were rented, it would then become part of a two-family dwelling and would have a much broader effect Countywide. Mr. Shepperd stated that this could potentially cause hesitancy to establish a dwelling on the property for a parent because the Zoning Ordinance does not allow future rental of the structure. Mr. Semmes stated that the Zoning Ordinance provides for the establishment of an accessory apartment with limitations that ensure it does not become a part of a multi-family dwelling.

Ms. White moved the adoption of Resolution PC01-01, recommending approval. It carried unanimously, 6:0 (Mr. Simasek absent).

#### PC01-01

On motion of Mrs. White, which carried 6:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION WITH A SINGLE-FAMILY DETACHED DWELLING AT 600 PATRICKS CREEK ROAD

WHEREAS, Mae H. Burcher and Miles C. Burcher have submitted Application No. UP-565-01 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 600 Patricks Creek Road and further identified as Assessor's Parcel No. 30-(9)-5; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of January, 2001, that it does hereby transmit Application No. UP-565-01 to the York County Board of Supervisors with a recommendation of approval to issue a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, subject to the following conditions:

1. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 600 Patricks Creek Road and further identified as Assessor's Parcel No. 30-(9)-5.
2. Building plans in substantial conformance with the preliminary floor plans and building renderings dated December 5, 2000, submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 760 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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**Application No. UP-566-01, King's Creek Plantation, LLC:** Request to amend an existing use permit to allow the construction of a "lodge style" structure housing 90 two-bedroom timeshare units (3 five-story interconnected pods of 30 units each) as part of a previously approved 1,100 unit timeshare development. The property is located along Route 199 across from its intersection with

Penniman Road. No change to the overall number of timeshare units (1,100) is proposed. The proposal is an amendment to the previously approved conceptual/development plan, which depicted single-family detached and attached style units, and seeks approval in accordance with Section 24.1-115(d) of the York County Zoning Ordinance.

Mr. Michael King, assisted by a brief video, summarized his memorandum to the Commission dated December 27, 2000, in which the staff recommended approval.

Mr. Shepperd asked if the staff had received any comments from the upper County and if staff had discussed the proposal with upper County citizens or others in the Williamsburg area. Mr. King reported that the City of Williamsburg and James City County had received a copy of the agenda of this meeting but they have not contacted the Planning staff.

Ms. White asked if the plans for the proposed addition are complete. Mr. King referred the question to the applicant.

Mr. Heavner inquired about the proposed height, to which Mr. King explained that it would not exceed the height limit of 75 feet for its zoning district.

The Chair opened the public hearing.

**Mr. Billie Millner**, Jones, Blechman, Woltz and Kelly, P.C., 600 Thimble Shoals Boulevard, Newport News, Virginia, represented and spoke in behalf of the applicant. He said the timeshare units are being purchased at a rate exceeding the expectations of the developers and are bringing tax dollars into the county with relatively little demand on public services. He noted that \$1.8 million in County taxes and fees have been paid since the project's inception three years ago, placing King's Creek Plantation among the bigger taxpayers in the County. Mr. Millner introduced Mr. Kevin Jones, president of Kings Creek Realty, and Messrs. Mark Rinaldi and Rick Moberg, the project engineer and architect, respectively.

**Mr. Mark Rinaldi**, Landmark Design Group, 4029 Ironbound Road, Williamsburg, Virginia, used overhead projections representing Phase 5 of the King's Creek Plantation project. He explained the previous phases and spoke of environmental attributes on the property and steps taken by the developer to minimize erosion. He said certain issues such as building and fire codes, the building footprint, and amenities are being finalized at this time. Mr. Rinaldi offered to answer questions.

Mr. Shepperd was complimentary of the project and asked what the total fiscal impact would be. Mr. Rinaldi estimated it would generate several million dollars annually in taxes to the County.

Mr. Shepperd asked about the target market. **Mr. Kevin Jones** addressed the marketing techniques and the target market population.

**Mr. Rick Moberg**, Rancorn Wildman Architects PLC, Newport News, Virginia, responded to a question about the building footprint, stating the developers intend to maintain the image of small residential units and employ a design that would be visually appealing rather than "boxy," combining all the same residential elements employed in the earlier phases. He added that there is a possibility of underground parking facilities as a part of the lodge project.

Mr. Shepperd inquired about stormwater runoff. Mr. Rinaldi said there is no possibility of flooding because of the natural topography. He said the nearest residence is over 2,000 feet from the property in question.

Commissioners Semmes and White questioned the visual impact of an underground parking garage, and the applicants stated that it possibly would be partially above ground level but, if so, would be heavily and tastefully landscaped to mitigate any visual conflict with its surrounding environment.

The Chair then closed the public hearing.

Mr. Shepperd moved the adoption of Resolution No. PC01-02 to recommend approval and it carried 6:0 (Mr. Simasek absent).

PC01-02

On motion of Mr. Shepperd, which carried 6:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A MAJOR AMENDMENT TO AN EXISTING SPECIAL USE TO PERMIT LODGE STYLE STRUCTURES AT THE KING'S CREEK PLANTATION TIMESHARE RESORT

WHEREAS, King's Creek Plantation, L.L.C., has submitted Application No. UP 566-01, which requests an amendment to an existing special use permit pursuant to Section 24.1-115(d) of the York County Zoning Ordinance, to authorize the construction of a "lodge style" structure housing ninety (90), two (2)-bedroom timeshare units as part of a previously approved 1,100 unit timeshare development located along Route 199 across from its intersection with Penniman Road, and further identified as Assessor's Parcel No.11-(22)-1A; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 10th day of January, 2001, that Application No. UP-566-01 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the

construction of a "lodge style" structure housing ninety (90) two (2)-bedroom timeshare units as part of a previously approved 1,100 unit timeshare development, subject to the following conditions:

1. This use permit shall authorize the establishment of a "lodge style" structure housing ninety (90), two (2)-bedroom timeshare units at King's Creek Plantation timeshare resort located along Route 199 across from its intersection with Penniman Road, and further identified as Assessor's Parcel No.11-(22)-1A .
2. A site plan prepared in accordance with Article V of the York County Zoning Ordinance shall be approved prior to obtaining permits for site and building construction. Said site plan shall be in substantial conformance with the conceptual plan submitted by the applicant to the York County Planning Division on November 30, 2000 and entitled "The Lodge and Townes at King's Creek Plantation Phase 1-SPE Revised November 1, 2000," and included as part of this file application.
3. The "lodge style" structure shall not exceed the height limitations established in the Zoning Ordinance for the Economic Opportunity district.
4. Nothing in this use permit shall be construed to permit an increase in the number of the 1,100 timeshare units previously approved by the Board of Supervisors.
5. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

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**Application No. UP-567-01, Sharon E. Dirmeyer, DVM:** Request for a special use permit, pursuant to Section 24.1-306 [category 2, number 7(a)] of the York County Zoning Ordinance, to establish a veterinary hospital without outside runs on a 1.64-acre parcel located at 329 Hampton Highway approximately 1,100 feet north of the intersection of Hampton Highway (Route 134) and Victory Boulevard (Route 171

Mr. Tim Cross presented a summary of the staff memorandum to the Commission dated December 28, 2000 and noted the staff's recommendation of approval.

Mr. Shepperd asked about projected tax revenues from the business. Mr. Cross noted that the fiscal impact would be positive but that staff had not quantified the fiscal impact because it did not significantly affect the staff's recommendation.

Mr. Shepperd said the proposed clinic would appear to fit its environment.

In response to Mr. Shepperd's inquiry about drainage, Mr. Cross noted there is a creek on the northern property line and added that the County stormwater management team has reviewed the application. The applicant would be required to provide a positive drainage system and to submit an erosion and sediment control plan before any land disturbing can be commenced.

The Chair opened the public hearing.

**Sharon Dirmeyer, DVM**, 503 Calthrop Neck Road, offered to answer questions.

Mr. Semmes asked if the rendering of the building attached to the staff report is the final plan, and Dr. Dirmeyer said the building, if approved, will very closely resemble the rendering.

Mrs. White asked how Dr. Dirmeyer might respond to neighbors' complaints about barking dogs. Dr. Dirmeyer noted that she is sensitive to noise in violation of others' rights. She said a dog might bark while going from the car to the door of the clinic, but in her past experience that has not been a neighborhood nuisance. No outdoor runs or kennels will be provided. Dr. Dirmeyer said she will meet with any neighbor who has concerns or complaints.

In response to Mr. Heavner's question about possible expansion of the clinic, Dr. Dirmeyer said she does not anticipate expanding but plans to create sufficient parking to accommodate any possible future expansion, while keeping as much green space as possible.

Mr. Cross noted for the Commission that any expansion of 25 percent or more in size would require an amendment to the use permit, with full review and public hearings by both the Planning Commission and the Board of Supervisors.

**Ms. Sandra Hawkins Dickerson**, 2010 Woodmont Drive, owns property adjacent to the site of the proposed use. She asked if any dog runs or cages would be placed outside, if plans are in place for adequate waste disposal and odor control, and how any road that accessed the site would affect her property.

Mr. Semmes told Ms. Dickerson it appeared that Dr. Dirmeyer had addressed most of her concerns and suggested they meet together to address any remaining questions. He told her one deceleration lane is proposed to access the proposed clinic.

There were no others to speak, and Chair Semmes closed the public hearing.

The Commissioners agreed that the proposal conforms to the Comprehensive Plan, it is attractive and appears to be a good use of the property.

Mr. Heavner moved the adoption of Resolution PC01-3 to recommend approval. It passed unanimously, 6:0 (Mr. Simasek absent).

#### PC01-3

On motion of Mr. Heavner, which carried 6:0, the following resolution was adopted:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL USE  
PERMIT TO AUTHORIZE A VETERINARY CLINIC WITHOUT OUTSIDE  
RUNS AT 329 HAMPTON HIGHWAY

WHEREAS, Sharon E. Dirmeyer, D.V.M., has submitted Application No. UP-567-01, which requests a special use permit, pursuant to Section 24.1-306 [category 2, number 7(a)] of the York County Zoning Ordinance, to establish a veterinary clinic without outside runs on a

1.64-acre parcel located at 329 Hampton Highway approximately 1,100 feet north of the intersection of Hampton Highway (Route 134) and Victory Boulevard (Route 171) and further identified as Assessor's Parcel No. 37-53; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of January, 2001, that Application No. UP-567-01 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a special use permit, pursuant to Section 24.1-306 [category 2, number 7(a)] of the York County Zoning Ordinance, to establish a veterinary clinic without outside runs on a 1.64-acre parcel located at 329 Hampton Highway approximately 1,100 feet north of the intersection of Hampton Highway (Route 134) and Victory Boulevard (Route 171) and further identified as Assessor's Parcel No. 37-53, subject to the following conditions:

1. This special use permit shall authorize the establishment of a veterinary clinic without outside runs on a 1.64-acre parcel located at 329 Hampton Highway approximately 1,100 feet north of the intersection of Hampton Highway (Route 134) and Victory Boulevard (Route 171) and further identified as Assessor's Parcel No. 37-53.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or construction activity on the subject parcel. Said site plan shall be in substantial conformance with the sketch plan submitted by the applicant to the York County Planning Division on November 29, 2000, supplemented by a letter submitted by the applicant dated. November 29, 2000.
3. The project shall be designed to provide a single access from Hampton Highway to serve all future development on the parcel. Subsequent subdivision of the parcel shall not be reason to authorize additional access points.
4. Freestanding signage shall be limited to a single monument-style sign with a maximum area of thirty-two (32) square feet.
5. In accordance with the provisions of Section 24.1-245 of the Zoning Ordinance, a thirty-five foot (35') greenbelt buffer shall be preserved along the front property line of the subject parcel adjacent to Hampton Highway. Said buffer shall be augmented with additional plantings designed to achieve, at a minimum, the planting ratios for a twenty-foot (20') front landscape yard along the front property boundary adjacent to the Hampton Highway right-of-way.

6. The veterinary clinic shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties or uses in the area.
7. All animals shall be kept in pens or other enclosures designed and maintained for secure confinement.
8. A waste management plan which ensures sanitary handling of animal wastes and prevents contamination or pollution of adjacent lands or water bodies shall be submitted to and approved by the Zoning Administrator prior to establishment of the vet clinic.

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### **NEW BUSINESS**

There was no new business.

### **STAFF REPORTS**

Mr. Cross reported on recent actions taken by the Board of Supervisors and on current progress on the Zoning Ordinance revision.

Mr. Cross recommended that the Commission schedule a work session for consideration of the draft Yorktown Design Guidelines and accompanying draft ordinance. The members selected February 7 at 7:00 P.M. in York Hall for the work session.

### **COMMITTEE REPORTS**

Mrs. White will attend a Virginia Citizens Planning Association Board meeting in February and requested the members give to her any item of business to present to that group.

### **COMMISSION REPORTS AND REQUESTS**

Chair Semmes requested the staff to continue its work on the Zoning Ordinance revision.

### **FUTURE BUSINESS**

Mr. Tim Cross reported on the applications that will be presented for public hearing in the near future.

### **ADJOURNMENT**

Chair Semmes declared adjournment at 8:30 P.M.

**SUBMITTED:** \_\_\_\_\_/s/\_\_\_\_\_  
Phyllis P. Liscum, Secretary

**APPROVED:** \_\_\_\_\_/s/\_\_\_\_\_ **DATE:** February 14, 2001

Spencer W. Semmes, Chair